

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 2, 2002

**D039299      People v. Barnett**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D038522      People v. Klinger**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D038561      O'Meara v. Palomar-Pomerado Health System et al.**

Judgment reversed. Haller, J.; We Concur: Kremer, P.J., Nares, J.

**D040302      People v. Weaver**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D040205      In re Kiley H., Juveniles**

Judgment affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D040081      People v. Phillips**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D040178      People v. Hampton**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D038847      People v. Sipes**

The judgment is affirmed as modified. The trial court shall amend the abstract of judgment and advise the Department of Corrections of the modification. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D038707      County of San Diego v. Ace Property & Casualty Insurance Company et al.**

The opinion filed November 14, 2002 is ordered certified for publication.

**D038649      In the Marriage of Buijnorowski**

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McConnell, J.

**D041007      In re Aparicio on Habeas Corpus**

The petition is denied.

**D041003      Baumer v. Superior Court of San Diego County/State of California Department of Corrections et al.**

The petition is denied.

**D041215      In re Jara on Habeas Corpus**

The petition is denied without prejudice to refiling in the appropriate court.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 2, 2002 (Continued)

**D041148        Sean S. v. Superior Court of San Diego County/San Diego County Health and  
Human Services Agency**

The attorney for petitioner Sean S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D039006        Olszewski v. Rincon Del Diablo Municipal Water District**

Judgment affirmed. Rincon to recover costs on appeal. Haller, J.; We Concur: Kremer, P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 3, 2002

**D036226        People v. Williams et al.**

**D036930        People v. Lott**

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D039543        People v. Gaxiola**

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D039695        In re Rafael G., a Juvenile.**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D037061        People v. Band**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., McIntyre, J.

**D039278        People v. Schoeppel**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., McConnell, J.

**D041133        Vista Literacy Academy Charter School v. City of Vista**

Pursuant to California Rules of Court, rule 8, the appeal filed October 21, 2002, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 4, 2002

**D038272        People v. Wallace**

The sentence on count 3 is stayed pursuant to section 654, and we order the trial court to modify the abstract of judgment to reflect the stay and forward a corrected copy of the abstract to the Department of Corrections. In all other respects the judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Haller, J.

**D037565        People v. Cervantes**

The judgment is reversed; the trial court is directed to conduct a second section 1538.5 hearing. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: Kremer, P.J., Nares, J.

**D038344        People v. Arthur**

The petition for rehearing is denied.

**D041075        In re Moreno on Habeas Corpus**

The petition is denied.

**D041065        In re Frederick on Habeas Corpus**

The petition is denied.

**D041087        Lisa V. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Lisa V. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Lisa V. is dismissed.

**D041124        Lisa C. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Lisa C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Lisa C. is dismissed.

**D041166        Tallaksen v. Dunnum**

The appellant having failed to timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 1(c)(5).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 5, 2002

**D041256        In re Cache L., a Juvenile**

The rulings of November 25, 2002 are pre-hearing rulings which are interlocutory and not directly appealable. Appellant may appeal from the decision at the 12-month hearing which is to be held on January 16, 2003. The appeal is dismissed.

**D039162        People v. Williams**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

**D041248        Franks II et al. v. Superior Court of San Diego County/Hoebeck et al.**

The petition is denied.

**D041067        In re Buenavista on Habeas Corpus**

The petition is denied.

**D041016        Hanson v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 6, 2002

**D039196        People v. Samples**

Order Modifying Opinion and Denying Rehearing (No Change in Judgment).

**D039196        People v. Samples**

The opinion filed November 7, 2002, as modified this date, is ordered certified for publication.

The attorneys of record are:

Paul J. Pfingst, District Attorney, Anthony Lovett and Josephine A. Kiernan, Deputy District Attorneys,  
for Plaintiff and Appellant.

Donal M. Hill, under appointment by the Court of Appeal, for Defendant and Respondent.

**D038540        People v. Pugh**

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: Kremer, P.J.,  
McConnell, J.

**D040812        In re Robert T., a Juvenile**

The appeal is dismissed. Haller, J.; We Concur: Kremer, P.J., McDonald, J.

**D038513        Hanig et al. v. Qualcomm, Incorporated et al.**

**D039029**

(Consolidated) The judgment is affirmed as to plaintiffs Scott Michaels, John Mundi, Pradot Parakh,  
Kurt Schwietzer, Allan Young and Tony Zhang and Qualcomm is awarded costs on appeal as to these  
individuals. The balance of the judgment, including the attorney fee award, is reversed. Plaintiffs are  
awarded costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D041175        Minsk, a Minor, etc. v. Kaiser Foundation Hospitals et al.**

The appeal is dismissed.